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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Alsobrook, et al

EXAMINER: Wax, Robert A

SERIAL NUMBER: 10/044,564

ART UNIT: 1653

FILING: DATE: January 11, 2002

FOR: PROTEINS AND NUCLEIC ACIDS ENCODING SAME

**Mail Stop IDS**

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL LETTER**

Transmitted herewith for filing in the present application are the following documents:

1. Supplemental Information Disclosure Statement (2 pages), in duplicate;
2. Modified Form 1449/PTO (1 page) in duplicate;
3. Copies of Cited references C240-C244 and;
4. Return Postcard

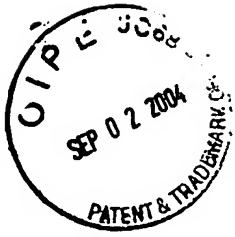
No fee is believed to be due at this time. However, the Commissioner is authorized to charge any additional fees that may be due to Deposit Account No.502648, Reference No. Cura 540 (21402-240). A duplicate copy of this transmittal letter is enclosed.

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at 203/974-6303, New Haven, Connecticut.

Respectfully submitted,

Date: August 31, 2004

George Yahwak, Reg. No. 26,824  
c/o CuraGen Corporation  
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**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Pursuant to the duty disclosure under 37 C.F.R. §§ 1.56, 1.97 and 1.98, Applicants hereby make of record the documents attached modified Form PTO-1449.

This Supplemental Information Disclosure Statement is being filed with in three months of the mailing date of the Restriction Requirement of US10/044,564. Accordingly, no fee or certification is believed required.

It is respectfully requested that the Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims, and signs the enclosed form PTO-1449 to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application.

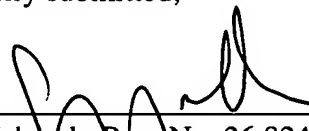
By Submitting this Information Disclosure Statement, the Applicant makes no representation that: (1) a search has been performed, or that more relevant information

does not exist; and (2) the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

The order of presentation of the references should not be constructed as an indication of the importance of the references. The Examiner is urged to form his/her own conclusion regarding the relevance of the cited information.

Please charge any fees that may be due, as a result of this submission to Deposit Account No. 502648, Reference No. 21402-240 (540).

Respectfully submitted,

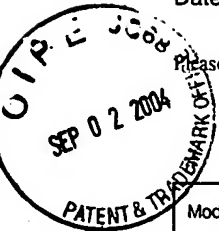


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Date: August 31, 2004

Date of Deposit: August 31, 2004



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PTO/SB (12-97)

Approved for use through 9/30/00. OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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|   |                               |                      |
|---|-------------------------------|----------------------|
| <b>Modified Form 1449/PTO</b><br><br><b>SUPPLEMENTAL INFORMATION<br/>DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br><br>(use as many sheets as necessary) | <b>Application Number</b>     | 10/044,564           |
|   | <b>Filing Date</b>            | 01/11/2002           |
|   | <b>First Named Inventor</b>   | Alsobrook, et al.    |
|   | <b>Group Art Unit</b>         | 1653                 |
|   | <b>Examiner Name</b>          | Wax, Robert A        |
|   | <b>Attorney Docket Number</b> | Cura 540 (21402-240) |

| U.S. PATENT DOCUMENTS |          |                          |            |                                     |       |           |                            |
|-----------------------|----------|--------------------------|------------|-------------------------------------|-------|-----------|----------------------------|
| Exam Initials         | Cite No. | U.S. Patent Document No. | Issue Date | Name of Patentee(s) or Applicant(s) | Class | Sub Class | Filing Date If Appropriate |
|                       | A1       |                          |            |                                     |       |           |                            |

| FOREIGN PATENT DOCUMENTS |          |   |                                     |                     |                       |
|--------------------------|----------|---|-------------------------------------|---------------------|-----------------------|
| Exam Initials            | Cite No. | Foreign Patent Document*<br>Office Number | Name of Patentee(s) or Applicant(s) | Date of Publication | Translation<br>Yes No |
|                          | B1       |   |                                     |                     |                       |

| OTHER PRIOR ART - NON-PATENT LITERATURE DOCUMENTS |          |  |
|---|----------|--|
| Exam Initials                                     | Cite No. | Name of Author, Title (when appropriate), Publication, Volume, Page(s), Date, Etc. |
|   | C240     | GenBank Accession Number: AAB94028 (17-JAN-2001).                                  |
|   | C241     | GenBank Accession Number: AAB94035 (21-NOV-2001).                                  |
|   | C242     | GenBank Accession Number: AAE25813 (28-AUG-2000).                                  |
|   | C243     | GeneScape Accession Number: AAW26769 (21-MAY-1998).                                |
|   | C244     | GeneScape Accession Number: ADC64484 (18-DEC-2003).                                |

\* a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. \_\_\_\_\_, filed \_\_\_\_\_, and relied upon for an earlier filing date under 35 U.S.C. §120 (continuation, continuation-in-part, and divisional applications).

|                           |  |                        |  |
|---------------------------|--|------------------------|--|
| <b>Examiner Signature</b> |  | <b>Date Considered</b> |  |
|---------------------------|--|------------------------|--|

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered.

Include copy of this form with next communication to applicant.